

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Roy Fennimore, Jr.  
Serial No. : 10/823,834  
Filed : 04/14/2004  
Title : USE OF ANTIOXIDANTS TO PREVENT OXIDATION AND  
REDUCE DRUG DEGRADATION IN DRUG ELUTING MEDICAL  
DEVICES  
Art Unit : 1617  
Conf. Number : 5531  
Examiner : Carlos A. Azpuru

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11/04/2010

November 2, 2010  
\_\_\_\_\_  
(Date of Deposit)

Carl J. Evens  
\_\_\_\_\_  
(Name of applicant, assignee, or Registered Representative)

/Carl J. Evens/

\_\_\_\_\_  
(Signature)

November 2, 2010

\_\_\_\_\_  
(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Dear Sir:

In response to the Final Office Action mailed September 2, 2010, Applicant respectfully requests that the referenced patent application be amended as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 5 of this paper.

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

1. (Cancelled)
2. (Cancelled)
3. (Cancelled)
4. (Cancelled)
5. (Cancelled)
6. (Cancelled)
7. (Cancelled)
8. (Cancelled)
9. (Cancelled)
10. (Cancelled)
11. (Cancelled)
12. (Cancelled)

13. (Cancelled)
14. (Cancelled)
15. (Cancelled)
16. (Cancelled)
17. (Cancelled)
18. (Cancelled)
19. (Currently Amended) A drug eluting medical device comprising:
  - an implantable intraluminal structure;
  - a first polymeric solution;
  - a drug in therapeutic dosages, incorporated into the first polymeric solution creating a resulting mixture;
  - a separate and distinct antioxidant incorporated into the resulting mixture to substantially hinder degradation of the drug through oxidation, thereby creating a base coat with the antioxidant ~~proximate~~ mixed or comingled with the drug in the base coat, the base coat being affixed to at least a portion of the implantable intraluminal structure; and
  - a second polymeric solution forming a top coat affixed to the base coat.
20. (Original) The drug eluting medical device according to claim 19, wherein the implantable intraluminal structure comprises a stent.
21. (Original) The drug eluting medical device according to claim 19, wherein the pharmaceutically active agent comprises a rapamycin.
22. (Cancelled)

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23. (Cancelled)

24. – 35. (Cancelled)

**REMARKS/ARGUMENTS**

In response to the Final Office Action mailed September 2, 2010, Applicant proposes to amend his application and requests reconsideration in view of the proposed amendments and the following remarks. In this response, Claim 19 is proposed to be amended, claims 22, and 24-35 have been cancelled without prejudice, and no claims have been added so that Claims 19-21 and 24 remain pending. No new matter has been added.

Claims 19-21 and 24 were rejected under 35 USC 112, first paragraph and second paragraph. Applicants have amended the claims to more clearly and distinctly set forth the invention. The language of the specification is utilized as per the Examiner's suggestion. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants attorney would like to thank the Examiner for his time and help in this matter.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

/Carl J. Evens/

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Dated: November 2, 2010